

CEREAL AND CEREAL PRODUCTS

ALIMENTARY PASTES

5257. Adulteration and misbranding of egg noodles. U. S. v. 50 Cases of Egg Noodles. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 8987. Sample No. 18749-F.)

On December 11, 1942, the United States attorney for the Eastern District of New York filed a libel against 50 cases of egg noodles at Maspeth, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19 and November 14, 1942, by the Prince Macaroni Co. from Lowell, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bag) "Prince * * * Pure Egg Noodles Contains * * * 5½% of Solid Egg Yolk."

The article was alleged to be adulterated (1) in that a valuable constituent, egg, had been in whole or in part omitted therefrom; (2) in that artificially colored noodles deficient in egg solids had been substituted wholly or in part for egg noodles, which it was represented to be; (3) in that inferiority had been concealed by the addition of artificial color; (4) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (5) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

The article was alleged to be misbranded in that the statements "Pure Egg Noodles" and "Contains * * * 5½% of Solid Egg Yolk" were false and misleading as applied to an article deficient in egg solids, and in that it was offered for sale under the name of another food, egg noodles.

On September 4, 1943, the time to answer having expired and the claimant having failed to file such answer, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 5258 to 5263 report actions involving alimentary pastes that had become contaminated with one or more types of filth, such as rodent hairs and hair fragments, hairs resembling rodent hairs, beetles, insect fragments, and larvae.

5258. Adulteration of egg noodles and macaroni products. U. S. v. 100 Cases of Egg Noodles (and 1 other seizure of macaroni products.) Default decrees of condemnation and destruction. (F. D. C. Nos. 10046, 10219. Sample Nos. 20682-F, 45971-F, 45972-F, 45976-F.)

These products contained beetles, rodent hairs, and insect fragments.

On June 2 and July 9, 1943, the United States attorneys for the District of Massachusetts and the District of Maryland filed libels against 100 cases of egg noodles at Boston, Mass., and 38 cases of spaghetti, 17 cases of elbow macaroni, and 7 cases of ditalini at Baltimore, Md., alleging that the articles had been shipped in interstate commerce within the period from on or about April 20 to June 8, 1943, by the Megs Macaroni Co. from Harrisburg, Pa.; and charging that they were adulterated.

The spaghetti, elbow macaroni, and ditalini were alleged to be adulterated in that they consisted in whole or in part of filthy substances, beetles. The egg noodles were alleged to be adulterated in that they consisted in whole or in part of filthy substances, rodent hairs and insect fragments, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Cavaliere Brand Pure Egg Noodles," "San Filippo Brand Pure * * * Spaghetti [or "Elbows"]," or "Capitol Brand Spaghetti."

On July 20 and August 12, 1943, no claimants having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5259. Adulteration of macaroni. U. S. v. 11 Boxes of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10218. Sample No. 45975-F.)

On July 9, 1943, the United States attorney for the District of Maryland filed a libel against 11 boxes of macaroni at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by V. Arena & Sons, Inc., from Norristown, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, beetles and larvae. The article was labeled in part: "Italia Brand Macaroni Made of Semolina."

On August 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.